

EXHIBIT C

Marts, Sergey (LAW)

From: remy green <remy@femmelaw.com>
Sent: Friday, December 2, 2022 12:59 PM
To: NYC Law Protest Team; Braun, Daniel (Law)
Cc: Sow-Legal
Subject: [EXTERNAL] Proposed Sampling Order
Attachments: 2022-12-02 - Proposed Sampling Order.docx

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Hi all,

I have attached a revised order on sampling, per the discussions I understand have been taking place.

Let me know if this is good to file, or if we should discuss further.

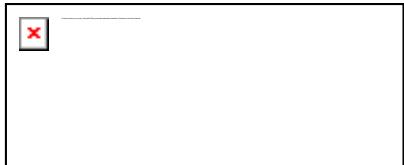
Yours,

Remy.

J. Remy Green

Partner

Cohen&Green P.L.L.C.	[#FemmeLaw](#)
remy@femmelaw.com (e)	(929) 888.9560 (direct)
(929) 888.9480 (p)	(929) 888.9457 (f)
honorific / pronouns: [Mx.](#) / [they, their, them](#)	
1639 Centre St., Ste. 216	Ridgewood (Queens), NY 11385



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re New York City Policing During Summer
2020 Demonstrations

This document relates to all cases

1:20-cv-08924 (CM) (GG)

[PROPOSED] ORDER

IT IS HEREBY ORDERED:

1. On or before January 9, 2023, Defendants will provide a statistically valid, 95/5 sample of documents in the following categories (as also set out in Dkt. No. 718 ¶ 4(a)):
 - a) Documents in the Office of the Mayor email review set that Defendants affirmatively marked “non-responsive” or otherwise withheld on a relevance or responsiveness basis;
 - b) Documents in the Office of the Mayor email review set that Defendants did not review because their technology-assisted review protocol ended review before reaching those documents;
 - c) Documents in the NYPD email review set Defendants affirmatively marked “non-responsive” or otherwise withheld on a relevance or responsiveness basis; and
 - d) Documents in the NYPD email review set that Defendants did not review because their technology-assisted review protocol ended review before reaching those documents.
2. To the extent practicable, Defendants will exercise best efforts to provide, on a rolling basis, the individual items under paragraph 1.
3. This deadline may not be extended without good cause, but may be extended by consent of Plaintiffs and Defendants.
4. On or before January 6, 2023, for each of the documents below,¹ Defendants will:

¹ When a document has multiple Bates-numbered pages, the Bates numbers below identify the first page of the document, but the document identified is the full document.

- a) state whether they maintain their initial position/designation that the document is not relevant and not responsive to Plaintiffs' requests;
- b) if Defendants change their position (that is, state they now agree the document is relevant and responsive) in response to ¶ 3(a), they will:
 - i. state whether the document was quality controlled by the case team (rather than just the external review team) as part of Defendants' review process; and
 - ii. provide an explanation of how the document came to be designated non-responsive/non-relevant, including — purely by way of example — whether it matched any guidance Defendants' review supervisors provided on relevance, and whether any particular reviewer consistently made errors.

c) Documents:

DEF_E_PD_000131831;
DEF_E_PD_000122664;
DEF_E_PD_000130174;
DEF_E_PD_000122220
DEF_E_PD_000122197;
DEF_E_PD_000122201;
DEF_E_PD_000122205;
DEF_E_PD_000122209;
DEF_E_PD_000122213;
DEF_E_PD_000130575;
DEF_E_000055797
DEF_E_PD_000121769;
DEF_E_PD_000121580
DEF_000518366;
DEF_E_PD_000127889;
DEF_E_000057519;
DEF_E_000132831;
DEF_E_PD_000131017;
DEF_E_PD_000121789;
DEF_E_PD_000121903
DEF_E_PD_000122160
DEF_E_PD_000122457;
DEF_E_PD_000124934;
DEF_E_PD_000126320;
DEF_E_PD_000129918;
DEF_E_PD_000130722;
DEF_E_PD_000130851;
DEF_E_PD_000136288;
DEF-E_000057786

SO ORDERED:

Hon. Gabriel W. Gorenstein
United States Magistrate Judge